

Transcript Redaction Instructions for Attorneys and Pro Se Litigants

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Overview

The Judicial Conference Policy to make transcripts of court proceedings available electronically via CM/ECF and PACER mandates that official court transcripts be restricted from PACER for a period of 90 days after filing. During this 90 days period, the transcript is also subject to redaction of personal identifiers. After the 90 day period has ended, the filed transcript (or redacted transcript) is available for inspection and copying in the Clerk's Office, as well as through PACER.

Filing

After the transcript is filed in CM/ECF, all attorneys/parties in the case will receive a Notice of Electronic Filing via email or postal mail.

90 day restriction period

Access to the transcript is restricted for a period of 90 calendar days after filing to court users, public terminal users, attorneys/parties who have purchased a copy from the court reporter, and others as directed by the court. The clerk's office will not sell copies of the transcript during this period, but will refer all requests to the court reporter.

Purchase of transcript

During the 90 day restriction period, transcripts must be purchased from the court reporter. There is no free look of the transcript.

- If the purchaser is an attorney in the case they will be granted electronic access to the transcript via PACER. PACER fees will apply.
- The purchaser can receive the transcript from the court reporter in paper and/or electronic format.
- Attorneys who have not purchased the transcript from the court reporter will not have electronic access to it through PACER until the 90 day restricted period has expired.

Redaction requirements

The transcript is subject to redaction of personal identifiers as identified by counsel of record or pro se litigants in the case.

- Neither the court reporter, nor clerk's office personnel are responsible for the recognition of the need for redaction.
- Attorneys and pro se litigants in the case must buy a copy of the transcript from the court reporter or view it at the public terminal in the clerk's office to review it for possible redaction.
- Attorneys and pro se litigants must advise the court reporter where the information is located in the transcript.
- Attorneys and pro se litigants have the responsibility for reviewing transcripts for possible redaction even if they did not order the transcript.

Redaction of personal identifiers

Attorneys and pro se litigants must review the transcript for redaction of these personal identifiers:

- Individuals' Social Security numbers,
- Names of minor children,
- Financial account numbers,
- Dates of birth,
- Home address in criminal cases.

Review of transcript

Attorneys and pro se litigants must review only the parts of the transcript that have been ordered and filed. The following portions of the transcript, if filed, must be reviewed to identify information for redaction:

- Opening and closing statements made on the party's behalf,
- Statements of the party,
- Testimony of any witnesses called by the party,
- Any other portion of the transcript as ordered by the court.

Redaction procedure:

If upon review of the transcript it is determined that redaction of personal identifiers is necessary the attorney or party will:

STEP	ACTION
1	File a Notice of Intent to Request Redaction within 7 calendar days from the filing of the transcript. <ul style="list-style-type: none">• Form is available on the Court's website• Filing event: Notice of Intent to Request Redaction• Attorneys and parties are responsible for notifying the court reporter of the filing of the Notice.
2	Provide a statement directly to the court reporter within 21 calendar days of the filing of the transcript. <ul style="list-style-type: none">• List the information to be redacted by page and line number.• If the statement is not provided to the court reporter within 21 days, the court may issue a Order to Show Cause or take other action.•
3	File a motion, if there is other information in the transcript that you wish to redact. <ul style="list-style-type: none">• The transcript will remain restricted until this motion is ruled on, even though the 90 day period may have expired.

Redacted Transcript

If the attorney/party has identified personal identifiers for redaction, the court reporter will:

- File a redacted transcript which will also remain restricted from remote access for the 90 day period.

Note: After the 90 day restriction period has expired, the redacted transcript will be available through PACER and the un-redacted transcript will remain restricted.

Redaction deadlines

Deadlines of the redaction requirements:

Notice of Intent to Request Redaction	7 calendar days from the filing of the transcript
Redaction Request	21 calendar days from the filing of the transcript
Redacted Transcript	31 calendar days from the filing of the transcript
Release of Transcript Restrictions	90 calendar days from the filing of the transcript

Individual access to transcript

When an attorney buys the transcript from the court reporter, the court reporter will allow access to the transcript to the attorney electronically via PACER.

- If a redacted transcript is later filed, the attorney will have access to it also.
- However, an attorney who purchases a redacted transcript, does not automatically acquire access rights to the un-redacted transcript.
- Since pro se litigants are not registered ECF filing users, they cannot be given electronic access to the transcript during the 90 day restriction period.

Juror name information

The Judicial Conference's Privacy Policy requires courts to maintain identifying information about jurors or potential jurors outside of the public case file.

- Sections of the transcript containing juror name information shall be separate volumes, and filed separately.
- After the 90 day period of restricted access, the volume(s) containing juror name information will be available for public access unless the court has directed that it be filed under seal.

Access for appellate case attorney

Periodically the Fourth Circuit will appoint an attorney who is not admitted to practice in South Carolina to represent a criminal defendant on appeal. Once appointed, the district clerk will add the attorney to the case. To obtain electronic access to the transcript and if applicable, file the Notice of Intent to Request Redaction the attorney must:

STEP	ACTION
1	Purchase the transcript from the court reporter.
2	Complete the request form provided by the Clerk's Office to request a login and password for access to CM/ECF. Note: The Clerk's Office will grant electronic access to the transcript so the attorney may access it via PACER. PACER fees will apply.
3	Follow Redaction Procedure for filing a Notice of Intent to Redact, if applicable.

CJA Attorney reimbursement of costs

An attorney appointed under CJA is entitled to reimbursement for the costs of obtaining a transcript for purposes of review as well as for functions performed to fulfill their obligations, including the following:

- travel to gain access to the transcript,
- review of the transcript to determine whether to file a Notice of Intent to Redact,
- filing a Notice of Intent to Redact or a motion for extension of time,
- reviewing a transcript to determine the location of information to be redacted or whether to file a motion for additional time;
- preparing and filing a redaction request or a motion,
- other actions (including creating pleadings, attending hearings or other follow-up).